S.B.Civil Contempt Petition No.159/2006

Jitendra Rajpurohit.
vs.
Sanjeev Kakkar.

Date : 23.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. PS Bhati, for the petitioner.

Mr. JP Joshi, for the respondent.

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Heard learned counsel for the parties.

The petitioner's contention is that on 14.3.2005, this Court stayed the operation of the order dated 25.2.2005 (Annex.8) by which the District Collector, Pali cancelled the NOC issued in favour of the petitioner on 18.8.2003.

According to learned counsel for the petitioner, since the cancellation of NOC has been stayed by this Court, therefore, NOC is in force. The natural consequence of it is that the oil company, Indian Oil Corporation Ltd., should not have stopped the supply of petroleum products to the petitioner's petrol pump. It is also submitted that the petitioner also submitted second stay petition in the writ petition seeking further relief in the writ petition for continuation of supply to the petitioner's petrol pump.

Reply has been filed by the respondent.

It appears from the facts of the case that this Court

only stayed the order canceling NOC passed by the Collector, Pali. The Collector or any other subordinate authority to him has not done anything in violation of the order of this Court dated 14.3.2005.

So far as whether to continue the supply of petroleum products to the petitioner's petrol pump by the oil company is concerned, that is not solely dependent upon the NOC issued in favour of the petitioner. There is no interim order against the oil company to continue the supply to the petitioner's petrol pump. Therefore, there is no question of any violation of the order by the present respondent.

If the petitioner has any grievance against the oil company, then proper remedy is to approach the court for the relief.

In view of the above, I do not find any merit in this contempt petition and the same is hereby dismissed. Contempt notice is discharged.

(PRAKASH TATIA), J.

S.Phophaliya